

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

KENNETH ROBINSON

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Civil No. – JFM-14-2968
Criminal No. JFM-11-0521

MEMORANDUM

Kenneth Robinson has filed a motion under 28 U.S.C. §2255. The motion will be granted.

Robinson desired to testify in this case. However, his counsel advised him not to do so on the ground that this court ruled that Robinson's conviction for conspiracy to commit murder would be admissible in the event that Robinson decided to testify and that counsel would raise the issue on appeal. This advice was contrary to the holding in *Luce v. United States*, 469 U.S. 38, 41 (1984) which held that in order to raise the issue of the admissibility of a prior conviction on appeal, a defendant must testify. Robinson's counsel has submitted an affidavit affirming that what Robinson contends is true.

Under these circumstances this court finds that Robinson's trial counsel was ineffective. Accordingly, his motion will be granted.

Date: 8/8/16


J. Frederick Motz
United States District Judge

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DISTRICT OF MARYLAND
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